

ARTICLE 39 — IW/TIP

Revised December 5, 2006

53130.1 Policy

California law provides that all persons sentenced to prison under PC § 1170 shall serve the entire sentence imposed by the court, except for a credit reduction in time served in the custody of the Secretary of the Department of Corrections and Rehabilitation (CDCR) for performance in credit qualifying work, training or educational programs, or other program activity. Every inmate shall have a reasonable opportunity to participate in a full-time credit qualifying assignment, consistent with institutional security and available resources.

53130.2 Purpose

This procedure defines criteria, staff/inmate responsibilities, and instructional information necessary for implementation of the departmental IW/TIP as provided for in PC §§ 2933 and 2934. Each Warden and RPA shall ensure administration of the Department's inmate work/training programs in accordance with these standards and procedures.

53130.3 Eligibility Criteria

Work-time credits are a privilege, not a right. Credits must be earned by inmates through satisfactory performance in a credit qualifying work, education or training assignment. Eligibility to earn day-for-day credits shall be determined by the type of crime committed and the specific date on which the commitment offense occurred.

53130.3.1 Inmates Serving Life Terms

Exceptions

Inmates serving sentences of 25 years to life, 15 years to life, or life with possibility of parole are not eligible for work-time credits under PC § 2933, except for those life inmates sentenced under the following PC sections:

- PC § 191.5(d).
- PC § 217.1(b).
- PC § 667.51(d).
- PC § 667.7(a)(1).
- PC § 667.75.
- The above life term cases are eligible to earn PC § 2933 credits toward reduction of their minimum eligible parole dates.

Life Terms with Enhancements or Consecutive Sentences

Inmates sentenced to life terms, who also have determinate sentence law (DSL) enhancements imposed on the life term, or who have consecutive DSL terms to serve with a life term, may be eligible to receive PC § 2933 credits on the DSL enhancements and/or the consecutive DSL term(s). (Refer to DOM § 73030.19, Case Records.)

53130.3.2 Crimes Committed on or After 1-1-83

Inmates sentenced to prison on non-life terms, whose crimes were committed on or after 1-1-83, shall automatically be eligible to receive day-for-day credits under the provisions of PC § 2933.

53130.3.3 Crimes Committed Before 1-1-83

Inmates sentenced to prison on non-life terms, whose crimes were committed prior to 1-1-83, may elect to receive credits pursuant to PC § 2933. Inmates in this category shall be afforded the opportunity to waive their rights to receive credit reduction on their sentences under PC § 2931 (one day credit for two days served) and become eligible to receive credits pursuant to PC § 2933 (one day credit for one day served).

- Eligible lifer cases described in DOM § 53130.3.1 shall require a waiver on crimes committed prior to 1-1-83.

53130.4 Time Credit Waiver

Pursuant to PC § 2934, eligible inmates may apply in writing, using CDC Form 916 (7/88), Time Credit Waiver, to receive work-time credits provided in PC § 2933. The following conditions shall apply prior to a waiver being effective and accepted by the Department:

Conditions for Acceptance of Time Credit Waiver

- Assignment to, and performing in, a full-time credit qualifying program.
- A waiver shall not be accepted from inmates who are within 30 days of their release dates or if the waiver is to be retroactive and recomputation of sentence credits would make the inmate overdue for release.

- Upon assignment to a credit qualifying full-time program, the inmate shall present a waiver form to their counselor/caseworker for verification of the program. The counselor/caseworker shall witness the form and enter the date upon which the waiver is effective. The counselor shall forward the waiver to records for inclusion in the inmate's C-File.
- When it is substantiated by staff that an inmate was not provided an opportunity to exercise a waiver, the waiver shall be effective the date the inmate would otherwise have been eligible because of performance in a full-time credit qualifying program.
- Accepted waivers shall be irrevocable.
- All credit attributable to that portion of an inmate's sentence served prior to the effective date of the waiver shall be retained by the inmate, except credit that was forfeited for any disciplinary violation. (Refer to DOM §§ 73030.8.11 and 73030.8.2 for additional details.)

53130.5 Work/Training Groups

Inmates subject to the provisions of PC § 2933 shall earn credits in accordance with their work/training group designation as determined by classification committee action. The following eight work/training group designations shall be utilized by the Department:

- Group F: Full-time conservation camp work assignment.
 - Two days credit for each day of qualifying performance (two-for-one).
- Group A-1: Full-time work/training assignment.
 - One day credit for each day assigned to this work group (day-for-day).
- Group A-2: Involuntarily unassigned.
 - One day credit for each two days served, or three months credit for each six months served.
- Group B: Half-time work/training assignment.
 - Credit earning; same as provided in A-2 above.
- Group C: Voluntarily unassigned.
 - Zero credit earning.
- Group D-1: Indeterminate lockup status.
 - One day credit for each two days served, or three months credit for each six months served.
- Group D-2: Serving SHU term with disciplinary credit loss, or voluntarily unassigned in Administrative Segregation Unit (ASU), SHU or PSU.
 - Zero credit earning.
- Group U: Unclassified (process cases).
 - One day credit for each two days served, or three months credit for each six months served.

53130.5.1 Work Group Criteria and Definitions

Assignments and reassignments of inmates to work/training incentive groups shall be effected by classification committee action. Full-time assignments shall normally require eight hours of participation per day, five days per week exclusive of meals. Half-time assignments, four hours of participation per day, five days per week exclusive of meals.

Full-Time Assignments (Group A-1)

- The work day shall not be less than 6.5 hours and the work week no less than 32 hours. Those programs requiring an inmate to participate during other than the normal schedule of eight hours per day, five days per week (e.g., ten hours per day, four days per week) or programs that are scheduled for seven days per week, requiring inmate attendance in shifts (e.g., three days of ten hours and one day of five hours) shall be designated as "special assignments" and require departmental approval prior to implementation. A CDC Form 128-B or E chrono shall be placed in the inmate's C-File stating the hours of participation required for full-time sentence reduction credits. "Special Assignment" shall be entered on the inmate's timekeeping log by the staff supervisor.
- The following assignments and combination assignments shall be considered as credit qualifying full-time programs:
 - Full-time education and training program. Elementary school, high school, and vocational training programs require the same minimum hourly participation as the full-time work assignment.

- Any combination of half-time work, school or training program resulting in full-time assignment requires the same minimum participation as a regular full-time work assignment. Each combination half-time assignment requires the same minimum participation as a half-time work assignment.
- A full-time college program may be combined with a half-time work or vocational training program equating to a full-time assignment. The college program shall consist of 12 units in credit courses leading to an associate degree in two years or a bachelor's degree in four years.
- A full-time Bridging Education Program (BEP) requiring the same minimum participation as a regular full-time assignment. Participation will be evaluated on course curriculum, instructor evaluation, and completed assignments.
- An inmate diagnosed by a physician and/or psychiatrist as totally disabled and therefore incapable of performing a work/training assignment, shall remain in work group A-1 throughout the duration of their total disability.
- An inmate diagnosed by a physician and/or psychiatrist as partially disabled shall be assigned to a work/training assignment within the physical and/or mental capability of the inmate as determined by the physician and/or psychiatrist, unless changed by disciplinary action or classification committee action.

Involuntarily Unassigned (Group A-2)

- An inmate willing but unable to perform in a full-time assignment.
 - An inmate placed on a waiting list pending availability of a full-time assignment.
 - An inmate unassigned by classification committee action awaiting an adverse transfer to another institution.

Half-Time Assignments (Group B)

- The work day shall be no less than three hours and the work week no less than 15 hours.
 - Full-time enrollment in college consisting of 12 units in credit courses leading to an associate or bachelor's degree shall be classified as a half-time assignment.
 - A work/training assignment of four hours per workday, excluding meals, five-days per-week.

Voluntarily Unassigned (Group C)

- An inmate who refuses to accept or perform in work/training assignment, or who is deemed a program failure as defined in CCR § 3000 and who is placed on non-credit earning status by a classification committee.
 - An inmate shall remain in this status until reclassified for placement in a credit qualifying work/training assignment (A-1 or B), or placed on an assignment waiting list (A-2).
 - An inmate must submit a written request for reclassification to be considered for assignment and removal from work group C no earlier than 30 days from the date of placement.
 - An inmate shall be scheduled for a hearing within 30 days of receipt of a written request.

Indeterminate Lockup Status (Group D-1)

- An inmate assigned to a segregated housing program .-
 - ASU, SHU, or PSU.
 - Inmates placed in assignments by classification committee action while in this status shall be placed in the appropriate work/training group, consistent with their assignment.

Determinate Lockup Status (Group D-2)

- An inmate assigned to a determinate SHU term which included a forfeiture of credits shall not be placed in a credit earning assignment during the period of credit forfeiture, or 180 days, whichever is less, starting from the date of change in custodial classification. An inmate confined in a secure housing unit for a division A-1 offense, as designated in CCR § 3323(c), and which included great bodily injury on a non-prisoner shall not receive participation or work-time credits for up to 360 days. Upon completion of the period of credit forfeiture, the inmate shall be re-evaluated by a classification committee.

- An inmate's status in work group D-2 may be extended in up to six-month increments by a classification committee in unusual cases where no credit qualifying program can be assigned the inmate without causing a substantial risk of physical harm to staff or others. At the end of the designated period (six months or less), the determination shall be reviewed by an institution classification committee.
- An inmate in ASU, SHU or PSU, on indeterminate or determinate lockup status, who is deemed a program failure as defined in CCR § 3000, may be assigned work group D-2 by a classification committee.
- An inmate assigned to work group C at the time of placement in ASU, SHU, or PSU, or who refuses to accept or perform work/training assignments, shall be assigned work group D-2.
- An inmate assigned to work group D-2 must submit a written request for reclassification to be considered for removal from that work group. If work group D-2 has been assigned based solely upon the inmate already being assigned to work group C at the time of placement in ASU, SHU, or PSU, the request may be submitted no earlier than 30 days from the original work group C assignment date. If work group D-2 has been assigned following placement into ASU, SHU, or PSU, for refusing to accept or perform a work/training assignment, or for being deemed a program failure as defined in CCR § 3000, the request for removal must be submitted no earlier than 30 days from the date work group D-2 was assigned. Subsequent to the mandatory 30 days placement on work group D-2, if the inmate submits a written request for removal, and work group D-2 has not been assigned pursuant to CCR § 3044(b)(7)(A) or 3044(b)(7)(B), a classification hearing shall be scheduled within 30 days of receipt of the written request to consider removal from work group D-2.

Unclassified (Group U)

- An inmate undergoing reception center processing.
 - An inmate shall remain in this status from the date of reception until classified at their assigned institution unless he/she is assigned to a full-time BEP.

53130.5.2 Case Records Responsibilities

Case records staff shall be responsible to process and calculate time credits and release dates of inmates subject to the provisions of PC § 2933 through information provided by the courts, classification committees and program staff. (Refer to DOM § 73030, Time Computations.)

Time Credit Calculations

All classification actions and inmate appeal actions affecting an inmate's release date, e.g., work group changes, credit forfeitures and/or restorations, etc., shall be forwarded to case records for calculation of a new release date. Time credit calculations shall be computed and processed per DOM § 73030. The inmate shall receive a copy of all release date changes and/or modifications.

53130.6 Privileges

Privileges for each work/training incentive group shall be those privileges earned by the inmate. Inmate privileges are administratively authorized activities and benefits required of the Secretary of the CDCR, by statute, case law, governmental regulations, or executive orders. Inmate privileges shall be governed by an inmate's behavior, custody classification and assignment. A formal request or application for privileges is not required unless specified otherwise in this section. Institutions may provide additional incentives for each privilege group, subject to availability of resources and constraints imposed by security needs. Privileges shall be governed by the following conditions:

- To qualify for privileges generally granted by this section, an inmate shall comply with rules and procedures and participate in assigned work/training activities.
- Privileges available to a work/training incentive group may be denied, modified, or temporarily suspended by a hearing official at a disciplinary hearing upon a finding of an inmate's guilt for a disciplinary offense as described in CCR §§ 3314 and 3315 or by classification committee action which changes the inmate's custody classification, work/training group, privilege group, or institution placement.

- Disciplinary action denying, modifying, or suspending a privilege for which an inmate would otherwise be eligible shall be for a specified period not to exceed 30 days for an administrative rule violation or 90 days for a serious rule violation.
- A permanent change of an inmate's privilege group shall only be made by a classification committee action under provisions of CCR § 3375. Disciplinary or classification committee action changing an inmate's privileges or privilege group shall not automatically affect the inmate's work/training group classification. Worktime credit earning shall be affected only by a work/training group change by a classification committee.
- No inmate or group of inmates shall be granted privileges not equally available to other inmates of the same custody classification and assignment who would otherwise be eligible for the same privileges.

Privileges During Lockup

Changes in privilege group status due to the inmate's placement in lockup:

- An inmate housed in ASU, SHU, or PSU shall be designated privilege group D. However, if assigned to a qualifying work/training program within the special housing unit, the inmate shall be assigned privileges of a higher group, if such privileges are available within the assigned housing unit.
- An inmate working in lockup units while serving a determinate SHU term shall be retained in privilege group D only, irrespective of their work/training assignment.
- An inmate removed from the general population for disciplinary or administrative reasons shall surrender their privilege card to staff pending review by classification committee.

Re-Entry

An inmate in a re-entry furlough assignment shall be eligible for available privileges subject to working eight hours per day and shall not require a privilege group designation. A re-entry inmate placed in a county facility shall be entitled to the same privileges accorded county prisoners and provided for under terms of the Department's contract with the county facility.

All privileges shall be conditioned upon the inmate's compliance with the procedures governing those privileges, continued eligibility and possession of an appropriate privilege card, good conduct and acceptable participation in their work/training assignment. Inmates returned to custody from parole may be eligible to receive privileges based on their participation in a work/training assignment.

53130.6.1 Privilege Group Criteria

Five privilege groups have been established which provide a graduated system of incentives to promote a desire to achieve positive goals. Criteria for assignment to a specific privilege group shall be as follows:

- Group A.
 - Assignment to a full-time credit qualifying work/training program.
 - Diagnosed by a physician and/or psychiatrist as totally disabled and incapable of performing a work/training assignment.
 - Diagnosed by a physician and/or psychiatrist as partially disabled and assigned to a work/training program within the mental or physical capabilities of the partial disablement as determined by medical staff.
- Group B.
 - Assignment to a half-time work/training program.
 - Involuntarily unassigned.
 - Temporarily placed into the group by a hearing official as a disposition pursuant to CCR § 3314 or 3315.
- Group C.
 - Inmates who refuse to accept or perform in a work/training assignment or are deemed a program failure as defined in CCR § 3000.
 - Temporarily placed into the group by a hearing official as a disposition pursuant to CCR § 3314 or 3315.
 - A classification committee action pursuant to CCR § 3375 places the inmate into the group. An inmate placed into this group by a classification committee action may apply to be removed from privilege group C no earlier than 30 days from

the date of placement. Subsequent to the mandatory 30 days placement on privilege group C, if the inmate submits a written request for removal, a classification hearing shall be scheduled within 30 days of receipt of the written request.

- Group D.
 - Inmates in special housing units, voluntarily or under the provisions of CCR §§ 3335-3345 who are not assigned to either a full-time or half-time work/training program.
- Group U.
 - Reception center inmates undergoing processing.

53130.6.2 Group Privileges and Restrictions

Privileges for Group A are as follows:

- Family visits limited only by the institution/facility resources, security policy, CCR § 3177, or other law.
- Visits during non-work/training hours, limited only by availability of space within facility visiting hours; or during work hours when extraordinary circumstances exist as defined in DOM § 53130.7.1.
- Maximum monthly canteen draw as authorized by the Secretary of the CDCR.
- Telephone access during the inmate's non-work/training hours, limited only by institution/facility telephone capabilities.
- Access to yard, recreation and entertainment activities during the inmate's non-working/training hours and limited only by security needs.
- Excused time off as described in DOM § 53130.7.
- The receipt of four personal property packages, 30 pounds maximum weight each, per year; exclusive of special canteen purchases.
- Special canteen purchases as provided for by DOM § 54070.

Privileges for Group B are as follows:

- One family visit each six months, unless limited by the provisions of CCR § 3177(b), or other law.
- Visits during non-work/training hours, limited only by availability of space within facility visiting hours; or during work hours when extraordinary circumstances exist, as defined in DOM § 53130.7.1.
- One-half of the maximum monthly canteen draw as authorized by the Secretary of the CDCR.
- One personal telephone access period per month.
- Access to yard, recreation, and entertainment activities during the inmate's non-working/training hours and limited only by institution/facility security needs.
- Excused time off as described in DOM § 53130.7.
- The receipt of four personal property packages, 30 pounds maximum weight each, per year, exclusive of special purchases.
- Special canteen purchases as provided for by DOM § 54070.

Privileges for Group C are as follows:

- No family visits.
- One-fourth the maximum monthly canteen draw as authorized by the Secretary of the CDCR.
- Telephone calls on an emergency basis only as determined by institution/facility staff.
- Yard access limited by local institution/facility security needs. No access to any other recreational or entertainment activities.
- No personal property packages.
- No special canteen purchases.

Privileges for Group D are as follows:

- No family visits.
- One-fourth the maximum monthly canteen draw as authorized by the Secretary of the CDCR.
- Telephone calls on an emergency basis only as determined by institution/facility staff.
- Yard access limited by local institution/facility security needs. No access to any other recreational or entertainment activities.
- The receipt of one personal property package, not to exceed 30 pounds maximum weight, per year, exclusive of special purchases as provided in CCR § 3190. Inmates shall be eligible to acquire a

personal property package after completion of one year of Privilege Group D assignment.

- One special canteen purchase of one television or one radio or one radio/TV combination unit.

Privileges for Group U are as follows:

- No family visits.
- Canteen purchases. One-half of the maximum monthly canteen draw as authorized by the Secretary of the CDCR.
- Telephone calls on an emergency basis only as determined by institution/facility staff.
- Yard access, recreation, and entertainment limited by local institution/facility security needs.
- Excused time off as described in DOM § 53130.7.
- No special canteen purchases.
- No personal property packages.

53130.6.2.1 Privilege Cards

Privilege cards shall be issued to inmates in accordance with their assigned privilege groups as follows:

- Group A. Inmates in group A shall receive a CDC 130 (red) privilege card with photo.
- Groups B, C, D, and U inmates shall not be issued a privilege card.

Privilege cards shall be maintained in the possession of inmates eligible to receive privileges and shall be presented to staff upon request to receive or participate in an authorized privilege. Failure of an inmate to possess or present a privilege card to staff on request shall be grounds for denying a requested privilege.

53130.6.2.2 Issuance of Privilege Cards

Initial privilege cards and replacement cards shall be prepared by the institution records offices in accordance with DOM § 72010.3.

- Correctional counselors shall be responsible to obtain the privilege cards from the records office for issuance to the inmates.

53130.6.2.3 Control of Privilege Cards During Transfer

Privilege cards of inmates during transfer shall be handled in the following manner:

- Receiving and release (R&R) staff shall retrieve privilege cards from inmates prior to transfer and give them to transportation personnel.
- Transporting personnel shall give the privilege cards to R&R staff at the receiving institution who shall reissue the cards to the incoming inmates.

Parole, Out-to-Court, Etc.

- Privilege cards on inmates leaving to parole, re-entry, out-to-court, or on appeal bond, shall be retrieved by R&R staff and forwarded to the records office.
- Upon return of an inmate from out-to-court, or appeal bond status, the card shall be reissued to the inmate by counseling staff.

Transfer Record (CDC Form 135)

- Privilege cards retrieved by R&R staff during transfer shall be bound with the inmate ID card (on top of privilege card) and given to transporting staff. The privilege card and group designation (A or B) shall be recorded in the remark column on the CDC Form 135, Transfer Record, by R&R staff.

53130.6.2.4 Changing Privilege Groups

Permanent changes of inmate privilege groups shall be made by classification committee action.

Reduction/Suspension of Privilege

Privileges may be temporarily suspended or reduced by either classification committee action or as part of a disciplinary disposition as described in DOM § 53130.6.

Exchange or Confiscation of Privilege Card

When an inmate's privilege group is temporarily suspended or reduced, the privilege card shall be immediately confiscated by the disciplinary hearing officer or by the inmate's counselor if the action is effected by classification action, and processed as follows:

- When privileges are suspended, the privilege card shall be forwarded to the records office for storage during the period of suspension.

- When privileges are reduced, e.g., from privilege group A to privilege group B, the red card shall be confiscated, taken to the records office, and exchanged for a blue card for use by the inmate during the period of reduction.

53130.7 Excused Time Off (ETO)

Excused time off (ETO) shall be authorized by the work supervisor/employer. Inmates assigned to work/training groups A-1 and B may use excused time off (ETO) during approved absences from their assigned work/training assignment.

53130.7.1 Use of ETO

ETO must be approved by the work/training supervisor and may be denied based on institutional operational needs or security. Departmentally approved activities for which ETO may be approved by work/training supervisors shall be limited to the following:

- Family visiting. An inmate scheduled for a family visit may be permitted to visit in the visiting room (regular visit) on the first day of a family visit while awaiting processing, and on the last day of the family visit.
- Regular visiting under extraordinary circumstances. Following are extraordinary circumstances for which use of ETO is authorized:
 - Out-of-state visitors. Upon substantiation that the visitor(s) resides out-of-state, a distance greater than 249 miles, and is in California for a temporary stay of 30 days or less, and the visitor(s) has not visited with the particular inmate for four months. No more than two such visits shall be permitted for each such occurrence.
 - Excessive distance. When a visitor must travel a distance of 250 miles or more, and has not visited the inmate within the last 30 days.
 - Weddings. When an inmate marries, the inmate may, with five working days prior approval, use ETO for a visit on the wedding day.
 - Handicapped. When a visitor is handicapped as defined by California law and must rely on special transportation to the institution. Approval is required five working days prior to the visit.
 - Family emergencies. When death, serious illness or injury occurs to an inmate's immediate family member; clergymen, family members or close friends may visit the inmate to offer condolences or inform the inmate of the occurrence.
 - Infrequent visits. When a visitor unexpectedly arrives who has not visited in the last six months. Infrequent means not more than one visit each six months.
 - Visiting during authorized absence. An inmate shall be permitted to visit using ETO during approved periods away from assignment involving circumstances beyond the inmate's control. (Refer to DOM § 53130.8.)
 - Work assignment conflicts. When the inmate has not received a visit in the last 30 days and would otherwise be prohibited from visiting because of a conflict in work, training, or education assignment.
- Temporary community leave.
- Special religious functions, other than routine services.
- Non-routine recreation and entertainment activities.
- Emergency telephone access.
- Medical lay-in status.
- Short term medically unassigned status for 29 days or less.

Usage Limits and Recording

ETO shall be authorized by the work supervisor/employer in no less than 15-minute increments. An inmate shall not be required to use ETO for any service that the Department requires.

- Inmates shall not receive pay while on ETO.
- Use of ETO hours shall be recorded by work supervisors on the daily inmate timekeeping log.
- Use of ETO for any other reason than outlined above shall require approval by the Secretary of the CDCR.

53130.8 "S" Time

"S" time (security time off) shall be noted on timekeeping documents for an authorized absence from an inmate's work/training assignment that is required by the prison administration and/or beyond the inmate's control. Inmates shall receive sentence-reducing credit commensurate with their designated work group. Inmates removed from their work/training assignment for an authorized reason shall retain their existing work/training group status unless otherwise impacted by a classification committee or disciplinary action.

53130.8.1 Authorized Use of "S" Time

"S" time shall be authorized for the following reasons:

- Institutional lockdown.
- Emergency recall.
- Attorney visits.
- Fog or inclement weather conditions.
- Work/training supervisor's absence when no relief supervisor is provided.
- Removed to out-to-court status.
- Three working days prior to transfer to another institution.
- Ten working days prior to parole or discharge, including institution base camps.
- Conservation camp inmates shall receive 15 days "S" time prior to release.
- Thirty working days prior to parole or discharge on California inmates serving their terms in other jurisdictions.
- Appearances at classification hearings or casework interviews which cannot reasonably be conducted during the inmate's off duty hours.
- Staff interviews with an inmate regarding a death notice or emergency involving a member of the inmate's immediate family.
- Emergency or life threatening medical or dental treatment.
- Temporary interruption/delay in the inmate's work/training assignment through no fault of the inmate.
- Medical consultant appointments with other than state employees.
- M-2 job development and/or initial M-2 screening interview.
- Board of Parole Hearings (BPH) hearings.
- Interviews with representatives of other governmental agencies.
- Delay in reporting to work/training assignment because of delayed meal schedule, unlocks, and clearing of the institutional count.
- Interview for staff preparation of a PC § 1170(d) report to the court.
- Temporary leave processing for a family emergency.
- A serious disciplinary hearing if overtime would be required for a staff witness to attend the hearing.

All other institution services and/or circumstances requiring an inmate's presence or participation shall be scheduled or conducted on the inmate's off-duty hours.

The granting of "S" time for reasons other than listed in this section shall require approval by the Secretary of the CDCR or their designee.

53130.8.2 Priority Ducat System

The counseling series and medical department shall be permitted to ducat inmates for casework services or medical treatment during their assigned work hours under the following conditions:

Casework Purposes

- The counseling series shall be authorized to use the regular institutional pass (ducat) system for routine casework contacts. When it is necessary to make casework contacts during an inmate's work hours, a "priority ducat request" shall be initiated including only those inmates who will be on scheduled work assignments. This shall be done separately from any normal ducat request and the priority request shall require either the approval of the chairperson of a properly constituted classification committee or the approval of the originator's immediate supervisor.
- Based on a properly approved "priority ducat request" a pass shall be issued which shall be clearly identified in one of two ways. The pass shall either be printed on different color paper clearly distinguishing it as a priority ducat or the word "priority" shall be clearly stamped or printed on the ducat in bold red letters. At the termination of the contact with the inmate, the arrival time and

departure time shall be recorded on the back of the pass. This shall be returned by the inmate to their work supervisor for purposes of timekeeping and inmate accountability. Inmates off the job for properly approved casework contacts shall be given "S" time by their work supervisors upon receipt of a properly authorized priority ducat with the arrival and departure times recorded on the reverse side, signed or initialed by the recording employee.

Health Care Services

- All health care appointments, medical, dental and mental health shall be via the priority ducat process.
- At the termination of the medical contact, the inmate's arrival and departure time shall be recorded on the back of the pass. The pass shall be returned by the inmate to the work supervisor to facilitate accountability and timekeeping by the work supervisor. "S" time shall be recorded by the work supervisor for the time spent away from the work/training assignment under these circumstances.

53130.9 Assignments

Inmates shall be assigned to appropriate work/academic/vocational programs by classification committee action. Ethnic balances shall be considered when making assignments.

Pending assignment to a permanent work/training program, or when a regular program is temporarily suspended, inmates may be assigned, with or without their consent, to any work/training program decided upon by a classification committee or staff member responsible for the assignment of inmates.

Each prison shall establish Bridging Education Programs as work training incentive assignments to provide education programming. Inmates who are undergoing reception center processing, and are day-for-day credit eligible per PC § 2933, will be assigned to the BEP upon their arrival at the reception centers. Inmates who are day-for-day credit eligible and housed in general population institutions will be eligible to be assigned to the BEP. Participation in the BEP will be evaluated on course curriculum, instructor evaluation, and completed assignments. Assignment to an approved BEP shall qualify as a full-time assignment in work group A-1.

Inmates with the following case factors shall not be placed in Bridging Education Programs:

- Inmates who do not meet the criteria to earn day-for-day credits per PC § 2933, or are sentenced to an indeterminate term, who are undergoing reception center processing.
- Inmates who do not meet the criteria to earn day-for-day credits per PC § 2933, or are sentenced to an indeterminate term, who are housed at a general population institution.
- Inmates who are housed in segregated housing (e.g., ASU, SHU, PSU, etc.)
- Inmates housed in facilities where the BEP is not available (e.g., CCF, DMH, etc.)

The reception center Inmate Assignment Officer shall have the authority to initiate a classification action to assign inmates to reception center Bridging Education Programs and affect a work/training group change.

General population inmates may be assigned to Bridging Education Programs following a classification committee review as detailed in CCR § 3376.

A classification committee action shall not be required to remove inmates from Bridging Education Programs if no other changes in work/training group, custody designation or work waiting list is required.

53130.9.1 Performance Standards

Inmates shall perform assigned tasks diligently and conscientiously, and shall not pretend illness, or otherwise evade attendance or avoid performance in their assigned work and program activities. Inmates must report to their place of assignment at the time designated by the institution's schedule of activities and as instructed by their assignment supervisor. Inmates may not leave an assignment without permission.

Job Description

A job description shall be developed for each distinct inmate work/training position. The job descriptions shall set forth the minimum acceptable standards of participation and performance and the possible consequences for failure or refusal to meet the standards. Inmates shall sign and be given a copy of their job descriptions.

Program Evaluation Reports

Quarterly performance evaluations shall be prepared by staff on all assigned inmates using the following forms:

- Work assignments. CDC Form 101, Work Assignment.

- Education/vocation program. CDC Form 128-D, E, F, or L Educational/Vocational Progress Evaluation as appropriate.
- Medical. CDC Form 128-C, Medical-Psych-Dental Chrono.

Upon termination of an inmate from an assignment for any reason, an appropriate program evaluation report, as described above, shall be submitted by the work/training/medical supervisor.

Request for Removal from Program

Staff requests for removal from a program shall be submitted to the inmate's counselor on a CDC Form 128-B for consideration by an appropriate classification committee.

53130.9.2 Special Assignments

Special assignments are defined as departmentally approved special programs, temporary or short-term assignments for departmental convenience, and certain medical/psychiatric categories which require specific applications or procedures regarding credit earning eligibility. The following assignments/categories shall be determined special assignments:

Inmate Councils

- The chairperson and vice chairperson of an institution/facility Inmate's Advisory Council shall be considered a credit qualifying full-time assignment (work/training group A-1).

Pre-releaseProgram

- Inmates assigned to a full-time institution/facility pre-release program shall retain full credit earning status (work/training group A-1).

Bridging Education Program

- Assignment to an approved BEP as described in DOM § 53130.5.1 shall qualify as a full-time assignment in work group A-1.

Transfer/Pre-parole/Discharge Status

Prior to a regular transfer, parole, or discharge, inmates shall be reassigned to checkout status and awarded credit in the following manner:

- Transfer. Three days "S" time prior to transfer.
- Discharge. Ten days "S" time prior to discharge.
- Parole. Ten days "S" time prior to parole.

Conservation Camps

- Inmates assigned to a camp, except conservation center base camps, shall receive 15 days "S" time prior to parole or discharge.

53130.9.2.1 Medical/Psychiatric Special Assignments

Medical/psychiatric categories to be considered as special assignments are as follows:

- Light duty.
- Short-term medical/psychiatric or dental unassignments/lay-ins.
- Long-term medical/psychiatric unassigned cases.
- Temporary medical/psychiatric unassignment.
- Medically disabled.
- On-the-job injuries.
- Inpatient hospitalization cases.
- Medical/psychiatric treatment category cases; "H", "N", and "I".
- DMH placements per PC §§ 2684, 2690, and 1364.

53130.9.2.2 Credit Earning/Work Group Criteria

The credit earning status and work group designations for the above listed special assignments shall be determined by the following:

Light Duty Assignments

Inmates determined to have long-term medical/psychiatric work limitations shall be processed in the following manner:

- The inmate shall receive a medical/psychiatric evaluation to determine the extent of the disability and to delineate the capacity to perform work and/or training programs for either a full or partial workday. If the inmate is deemed capable of working only a partial work program, full credit shall be awarded for participation in such a program.
- The medical/psychiatric evaluation shall be reviewed by a classification committee.
 - If the classification committee concurs with the light duty recommendation, the case shall be referred to the institution assignment officer. The assignment officer shall make an effort to provide an assignment which is within the

institution's resources and the inmate's capabilities. Upon placement in the assignment, the inmate shall be reclassified into work/training group A-1. Such cases shall be scheduled for semi-annual review by medical staff and a unit classification committee.

- If the classification committee disagrees with the medical program recommendation, the case shall be returned to the medical department with a CDC 128-G describing the difference of opinion or the rationale for the request for the second medical evaluation. Upon receipt of the second medical evaluation, the unit classification committee shall again review the case. If the committee disagrees with the second medical evaluation, it shall refer the matter to the institution classification committee for final determination of the inmate's work group/credit earning status.

Short-Term Medical/Psychiatric/Dental Unassignments or Lay-Ins

Inmates who are sick and require a medical/psychiatric lay-in or a medical unassignment for 29 days or less shall retain their existing work group and utilize ETO during the authorized absent period. Sick time must be approved/authorized by the appropriate institution medical authority. The appropriate medical staff shall initiate a CDC 128-C specifying the reasons for the approval and the expected date that the inmate shall be able to return to work. The original shall be sent to the records office. The inmate shall be responsible for notifying their work supervisor. Sick time must be approved/authorized by the appropriate institution medical authority. The work supervisor shall record each day of the inmate's absence with the symbol "E" (excused).

Long-Term Medical Psychiatric Unassigned Cases

In cases where the medical condition necessitates that the inmate become medically unassigned for 30 days or more, the doctor shall initiate a CDC 128-C which shall indicate a date that the inmate shall be able to return to work. The original CDC 128-C shall be sent to the records office with copies to the assignment lieutenant and the classification committee coordinator in the inmate's housing/program unit. The assignment lieutenant shall change the inmate's status to medically unassigned pending reclassification. The classification committee shall confirm the inmate's medical/psychiatric unassigned category and change the inmate's work/training group status as follows:

- Inmates in the general population shall be changed to work/training group A-2, involuntary unassigned, to be effective the thirtieth day of unassignment.
- Inmates in lockup units who are in work/training group A-1 or B shall be changed to work/training group D-1, to be effective the first day of placement into Administrative Segregation.
- Inmates in lockup units who are in work/training group D-1 or D-2 shall be retained in their respective D-1 or D-2 work/training group.

Medical/Psychiatric Disability Status Determination

When an inmate has a disability that limits his/her ability to participate in a work, academic, vocational or other such program, medical/psychiatric staff shall document the nature, severity, and expected duration of the inmate's limitations on a CDC Form 128-C. Medical/psychiatric staff shall not make program assignment recommendations/decisions on the form. The form shall be forwarded to the inmate's assigned correctional counselor who will schedule the inmate for a classification committee review. The classification committee shall:

- Have sole responsibility for making program assignment and work group status decisions.
 - Determine the inmate's program and work group status based on the information on the CDC Form 128-C and feedback from staff from the affected work area, academic/vocational program, and the Inmate Assignment Lieutenant or Work Incentive Coordinator.
- Only when an inmate's documented limitations are such that the inmate, even with reasonable accommodation, is unable to perform the essential functions of any work, academic, vocational or other such program, will the inmate be placed in one of the two following categories by the classification committee:
- **Temporary medical/psychiatric unassignment.** When an inmate's medically determinable physical/mental impairment is expected to last for less than six months. Inmates in temporary medical/psychiatric unassignment shall:
 - Be scheduled for classification review any time there is a change in his/her physical/mental impairment or no less than every six months for reevaluation.

- Be assigned work group A-2 credit earning status if unassignment is for less than six months.
- Be assigned work group A-1 credit earning status and appropriate privilege group retroactive to the first day of the temporary medical/psychiatric unassignment if the inmate's condition lasts six months and the classification committee still cannot assign the inmate due to his/her impairment.
- **Medically disabled.** When an inmate's medically determinable physical /mental impairment is expected to result in death or last six months or more. The inmate's credit earning status shall be in accordance with work group A-1 and privilege group A.

On-The-Job Injuries

On-the-job injuries shall be documented on CDCR Form 7219 by the CMO. With the exception of inmates assigned to work group F, inmates shall be retained in their existing work group until medically approved to return to work. Work group F inmates shall revert to work group A-1 effective on the date the CMO determines the on-the-job injury excludes the inmate from conservation camp placement providing that the CMO's exclusion determination is within 29 days following the date of the inmate's removal from conservation camp assignment. If the CMO's exclusion determination is not within the 29 days, the inmate shall revert to work group A-1 effective the thirtieth day following the date of the inmate's removal from conservation camp assignment.

Medical/Psychiatric Inpatient Hospitalization

Inmates determined to be in need of short-term (29 calendar days or less) inpatient care shall be retained in their existing credit earning category. In the event that a longer period of inpatient care is required, the attending physician/psychiatrist shall prepare a CDC Form 128-C for referral to a unit classification committee. The classification committee shall confirm the inmate's inpatient unassigned category and change the inmate's work/training group status as follows:

- Inmates in the general population shall be changed to work/training group A-2, involuntary unassigned, to be effective the thirtieth day of unassignment.
- Inmates in lockup units who are in work/training group A-1 or B shall be changed to work/training group D-1, to be effective the first day of placement into Administrative Segregation.
- Inmates in lockup units who are in work/training group D-1 or D-2 shall be retained in their respective D-1 or D-2 work/training group.

Medical/Psychiatric Treatment Categories

Inmates who are assigned into the below list of medical/psychiatric treatment categories or transferred to a state hospital, unless otherwise specified, shall be deemed incapable of performing a work/training assignment. Inmates so designated shall be classified as work/training group A-1.

Category H

For inmates who require medical services and/or surgical care in an acute general hospital. This category is provided at CMF, CIM, COR, and CMC-East. Inmates with medical needs that cannot be met in CDCR hospitals may be transferred to a community hospital with the Warden's approval.

Category N

For inmates with chronic medical illnesses requiring skilled nursing or intermediate level medical care. This program has licensed nursing staff on duty at all times and is provided at CMF, CMC-East, and CCWF. Female inmates requiring this level of service shall be transferred to a community hospital unless special arrangements can be made at the CIW's infirmary. This category is not for inmates in infirmaries for undergoing short-term treatment of minor illnesses.

Category I

For inmates with major mental illness of psychotic magnitude requiring inpatient psychiatric hospitalization such as those with an acute, recurrent, or chronic illness which requires intensive treatment. This category includes inmates who are determined to be:

- Acutely psychotic, severely depressed or suicidal.
- Mentally ill inmates who are management problems, providing the psychosis warrants treatment in a hospital setting.

Category I is provided at CMF and the Salinas Valley Psychiatric Program (SVPP) at SVSP and this designation shall be made by CMF or SVSP staff. Other institutions with inmates who appear to meet category I criteria shall transfer such cases to CMF or the SVPP for inpatient psychiatric observation pending category classification.

Females requiring treatment in this category shall be referred to a state hospital.

DMH

The DMH also provides inpatient services for inmates who may be transferred from any CDCR adult institution pursuant to PC §§ 2684 and 2690.

Inmates transferred to DMH and retained under the jurisdiction of the Department per PC §§ 2684 and 2690 shall be deemed incapable of performing a work/training assignment. Inmates so designated shall be classified as work/training group A-1.

Experimental Treatment

Inmates transferred to DMH to participate in a voluntary experimental treatment program per PC § 1364 shall be required to participate in a full-time credit qualifying work/training assignment in order to earn full work-time credit.

For details concerning specifics of DMH psychiatric placements, refer to DOM § 53130.12.

53130.9.2.3 Reception Center/Layover (Credit Earning Status)

Inmates undergoing processing in reception centers, not on layover (en route) status, who are eligible to earn day-for-day credit per PC § 2933, are eligible to be assigned to a full-time BEP.

Inmates undergoing processing who are ineligible to earn day-for-day credits per PC § 2933, or inmates on layover (en route) status in other institutions shall only be assigned into half-time assignments. Any exceptions to this policy require special approval from the Director, Division of Adult Institutions.

Process or layover status inmates placed on a half-time assignment shall have their time recorded on the reception center timekeeping log CDC Form 1690. This form shall be filled out by the work supervisor on a daily basis. The completed form shall be maintained in a secure area for four years at the initiating institution. A copy shall not be placed in the C-File. A copy may be issued to the inmate upon written request.

This temporary assignment status shall not require any change in the inmate's work/training group status.

53130.10 Timekeeping/Reporting

Work/training supervisors shall be responsible to record and report all work/training time and absences of inmates assigned under their supervision as outlined in this section.

Inmate Work Supervisor's Time Log

The Inmate Work Supervisor's Time Log, CDCR Form 1697, shall be used to record work attendance for inmates housed within the institution, work furlough and return-to-custody facilities, the exception being those mandated by Education, PIA and the camp program. This timekeeping log shall be the source document for the resolution of complaints or appeals.

This document is to be secured in a locked metal container and upon completion shall be retained at the location designated by local administration for a period of four years. Any staff member responsible for recording the work or training time and absences of each inmate shall also be responsible for the security of the documents.

The top portion of the Work Supervisor's Time Log must list the following information and be printed legibly in ink, preferably black.

- CDC number.
- Inmate's name.
- Ethnicity.
- Month.
- Year.
- Job title.
- Position number.
- Pay rate (hourly).
- Regular days off.
- Hours of assignment.
- Work/training supervisor's name.
- Work/training supervisor's title.
- First line supervisor's name.
- First line supervisor's title.

Work/training supervisors are responsible for recording and reporting all work/training time and absences of inmates assigned to their supervision. When an inmate is reassigned, paroled or transferred during the month, a diagonal line shall be drawn through the appropriate dates of unassignment

and a notation made indicating the reason (e.g., transferred, paroled, out-to-court, AD-SEG.)

Mismanagement/Falsification of Timekeeping Logs

Mismanagement and/or falsification of inmate timekeeping logs by staff is a violation of GC §§ 6200 and 6201 which may result in adverse personnel action and/or prosecution

Security of Timekeeping Logs

Timekeeping logs are considered legal documents from which sentence reduction credits for inmates are computed. Timekeeping logs shall be securely stored. Inmates shall not have unauthorized access to any timekeeping log. Any staff member who reviews, processes, audits, or handles timekeeping logs shall be responsible for their security.

53130.10.1 Completion/Processing of Timekeeping Logs

Work/training supervisors shall complete and process timekeeping logs on inmates under their supervision using the following symbols and procedures:

- "X" - with the number of hours an inmate is on their assignment; i.e., X-6, X-7 1/2, or X-16.
- "A" - with the number of hours of unauthorized absence.
- "E" - with the number of hours of ETO authorized by the work/training supervisor shall be recorded in 15-minute increments.
- "R" - when the inmate is on regular days off.
- "RX" - with the number of hours worked during the inmate's regular day off.
- "H" - when the inmate is authorized time off for a state holiday.
- "HX" - with the number of hours worked during a state holiday.
- "S" - with the number of hours an inmate is unable to report to work through no fault of the inmate as defined in DOM § 53130.8.

Forwarding Timekeeping Logs

Upon completion of the work month, reassignment, or notification of pending transfer, the work/training supervisor shall immediately forward the completed timekeeping log to his or her immediate supervisor who shall audit and sign the timekeeping log. Timekeeping logs that have not been completed as outlined in this article and/or are missing information, shall be returned to the work/training supervisor for correction.

Prerelease Checkout Status

Case records staff audit an inmate's release date at least 9 months, 45 days, and 10 days prior to the scheduled release. If the projected release date is changed, the inmate and the inmate's counselor shall be notified. The records office staff shall notify the assignment lieutenant of the names of inmates who are scheduled for release. The assignment lieutenant shall publish the inmate's name and number on the daily movement sheet (DMS) indicating prerelease checkout status 10 working days prior to release.

Work/training supervisors shall review the DMS for inmates who have been assigned to their supervision. They shall complete the timekeeping log for parole/discharge inmates by awarding "S" time for the 10 working days prior to scheduled release. Conservation camp inmates shall receive 15 days "S" time prior to release. All timekeeping documents shall be submitted to the appropriate records office the following working day after notification of prerelease status.

Transfer Notification

A list of transfers scheduled for the following week shall be issued by the records office staff. Managers and supervisors shall ensure that the timekeeping documents for those inmates being transferred are submitted 3 working days prior to the inmate's departure. If notification of transfer is received in less than 3 days, the timekeeping log shall be submitted immediately. Inmates being transferred shall be awarded "S" time for the 3 working days prior to departure.

53130.10.2 AD-SEG Placement/Timekeeping Process

The term "AD-SEG" shall be used on the DMS to identify inmates placed on lockup status.

Work/training supervisors shall review the DMS daily to determine if any of their assigned inmates have been placed on lockup status. If so, the following processes shall occur:

- The work supervisor shall draw a diagonal line through the appropriate date on the inmate timekeeping log writing "AD-SEG" on the line. The timekeeping log shall be signed by the work/training supervisor and by his or her immediate supervisor. In the event that the inmate is released from lockup and returned to

the assignment, the work/training supervisor shall begin a new timekeeping log.

- A classification committee shall evaluate the reasons for placement in AD-SEG to ensure that an appropriate work group is awarded. If the placement was due to a disciplinary action which resulted in a finding of not guilty or pending an investigation which resulted in the inmate's release, the classification committee shall prepare a CDC 128-G stating the facts of the case and shall return the inmate to the same work group he or she was in prior to AD-SEG placement. The work group effective date shall coincide with the original date established prior to AD-SEG placement.
- If the placement in lockup was due to a disciplinary action which resulted in a finding of guilty or due to an investigation which resulted in classification committee action which changed the inmate's custody classification, work/training assignment, or facility placement, the classification committee shall classify the inmate's work-time, credit-earning status to D-2 from the date of lockup to date of classification action.

53130.11 Transfers

The work/training group and credit-earning status of inmates being transferred shall be governed and processed by the following criteria:

Nonadverse Transfer

Inmates shall not be placed in a lower work/training group as a result of a non-adverse transfer, including intra-facility. A non-adverse transfer is defined as movement of an inmate to a less restrictive institution or program where the security level is the same or lower, movement to a secure perimeter form a non-secure camp or Level 1 (Minimum Support Facility) by order of the prison administration for non-adverse reasons or transfers from reception centers; e.g., from Level III to Level II due to a lowering of an inmate's classification score; to the same level of facility due to overcrowding, special skills, or special program assignments.

With the exception of inmates assigned to work group F, an inmate transferred for non-adverse reasons shall retain their work/training and privilege group status. Work group F inmates shall revert to work group A-1 effective the date removed from camp assignment.

Inmates in vocational/training programs at the sending facilities shall be assigned same or similar programs, if eligible, at the receiving facilities unless such programs are full or unavailable. If the receiving facility's program is full or unavailable, the inmates shall be placed on any existing waiting list. If eligible, inmates on waiting lists at the sending facilities shall be merged into the receiving facility's waiting lists based on credit earning status, release date, and the length of time they have already spent on the sending facilities waiting list. Inmates who are PC § 2933 day-for-day credit eligible, shall be given priority for assignment.

Inmates shall be merged into the receiving institution's waiting list in the following manner:

- First, those inmates who are day-for-day credit eligible, approved for the program and are not assigned work group A-2. Inmates eligible to earn credits per PC § 2933 shall be given priority for placement on waiting lists, with the inmate with the earliest release date given first priority.
- Second, those inmates who are day-for-day credit eligible and already designated work group A-1. Inmates eligible to earn credits per PC § 2933 shall be given next priority for placement on waiting lists and the inmate with the earliest release date shall be given first priority.
- Third, those inmates who are not PC § 2933 day-for-day credit eligible and are already designated work group A-1. Inmates will be placed on waiting lists based upon the work group effective date.
- Fourth, those inmates who are not PC § 2933 day-for-day credit eligible and are not assigned work group A-2. Inmates will be placed on waiting lists based upon the work group effective date.

Adverse Transfers

Inmates in a work/training group A-1 or F who are transferred as a result of an adverse classification action, shall be reclassified to involuntarily unassigned status and placed in work/training group A-2 by the sending institution to be effective the date of transfer. The inmate shall remain in group A-2 until reclassified. An inmate in group A-2, C, or D at the time of transfer shall be retained in that group pending receiving institution classification.

Special Housing Unit Transfers

Inmates found guilty of a credit loss offense that may result in a determinate term of SHU confinement shall be evaluated for SHU placement by an institutional classification committee (ICC). If the

committee concludes that SHU placement is required, it shall establish a MERD. The committee shall reclassify the inmate to credit earning group D-2 (zero credit) effective the date of placement in lockup status and shall retain the inmate in AD-SEG until transfer to an appropriate institution.

DMH Transfers

Inmates transferred to the DMH, and retained under jurisdiction of the Department, shall be classified prior to actual transfer by the sending institution. The transfer chrono, CDC Form 128-G, shall reflect the reasons for the transfer and any change in the inmate's credit earning group. (Refer to DOM § 53010.9.2.2 for details on credit earning for DMH transfers.)

- The hub institution shall maintain the inmate's records and apply appropriate time credits.

Re-Entry Transfers

Inmates who are accepted for a work furlough/re-entry program will be transferred as a non-adverse transfer and they shall retain their current work/training group status while en route.

53130.12 Denial/Forfeiture/Restoration of Credits

The terms denial/forfeiture and restoration of credits shall be defined as follows:

Denial

- Refers to an inmate's inability to earn credits as a result of the inmate's own actions as follows:
 - Failure or refusal to perform assigned, ordered, or directed work or program activities.
 - Unauthorized absences from assignment.
 - While serving a SHU term wherein a disciplinary credit loss is imposed, but not to exceed the number of days of credit forfeited.

Credits shall be denied inmates who are serving SHU terms resulting from disciplinary action and concurrent credit loss. No credit shall be earned for the same period of the credit loss. This non-earning period shall commence effective the date of lockup. The period may be extended by a classification committee in six-month increments when it is determined that a substantial risk exists to the safety of persons or the security of the institution. For those inmates remaining under PC § 2931, the non-earning period applies to participation credit.

Forfeiture

- Refers to a removal of credits through disciplinary action that an inmate has earned or is projected to earn in the future.

Restoration

- Refers to a return or reinstatement of forfeited credit through classification committee action or through the inmate appeal system.

53130.12.1 Credit Forfeiture Procedure

Forfeiture of credit shall be governed by the provisions contained in CCR § 3323, Disciplinary Credit Loss Schedule, and PC §§ 2932 and 2933.

Appropriate credits shall be forfeited as part of the disposition following a finding of guilty for a serious rule violation.

Classification Committee Review

Disciplinary cases resulting in a loss of credit shall be reviewed by a classification committee which shall determine the appropriateness of the credit forfeiture and any program/housing changes required as a result of the rule infraction circumstances. The results of the committee action shall be forwarded to the records office for recalculation of the inmate's release date.

53130.12.2 Restoration of Credit Procedure

Credits forfeited for disciplinary offenses on or after 1-1-83 shall be considered for restoration, subject to limitations outlined in PC §§ 2931 through 2933.

Non-Restorable Credits

Credit shall not be restored for any disciplinary offense in which a victim died or was permanently disabled.

- One hundred and eighty days of credit forfeited for the commission of any felony listed in CCR § 3323 as a division A-1 offense shall not be restored.
- Ninety days of credit forfeited for either conspiracy or attempt to commit a division A-1 offense shall not be restored.

Inmates may apply for credit restoration through their counselor, or re-entry specialist, using CDC Form 958, Credit Restoration Application.

Eligibility/Hearing Determinations

The CDC Form 958 shall be reviewed by the counselor/re-entry specialist to determine eligibility for a scheduled hearing as follows:

- When criteria for restoration is met, a classification hearing shall be scheduled and held within 30 days of receipt of the application.
- When criteria for restoration is not met, a written explanation shall be provided by the counselor/re-entry specialist on the CDC Form 958 and the form returned to the inmate.
- Hearing decisions resulting in credit restoration shall be forwarded to the records office by a copy of the CDC Form 128-G, for recalculation of the inmate's release date.
- Credit shall not be restored in an amount which will make the inmate overdue for release. The counselor/re-entry specialist shall carefully review the work records and disciplinary history of inmates with close release dates who are seeking restoration. The counselor shall recommend to the committee the number of days credit that can reasonably be restored at the hearing without making the inmate overdue for release. In any event, the inmate shall be advised at the hearing that the records office will determine the actual release date which shall include a minimum of 10 staff working days for release processing.
- Credit shall not be restored if it is determined at the hearing that the inmate has refused or failed to participate in a work/training assignment during the required disciplinary free period.

53130.12.3 Disciplinary Free Periods

All credit, (100 percent), forfeited through the disciplinary process is restorable, except those credits deemed non-restorable by statute.

Inmates are eligible to apply for restoration of restorable credits in the percentage amounts shown, following completion of disciplinary free periods as outlined in the following formula:

- Division A or A-1 offenses.
 - Twenty-five percent following disciplinary free period of one year.
 - If less than one year remains before the inmate's anticipated release date, an application may be made within 90 days of the anticipated release date when the inmate has remained disciplinary free for a minimum of four months.
- Division B or C offenses.
 - Fifty percent following disciplinary free period of six months.
 - If less than six months remain before the inmate's anticipated release date, an application may be made within 90 days of the anticipated release date when the inmate has remained disciplinary free for a minimum of three months.
- Division D or E offenses.
 - One hundred percent following disciplinary free period of six months.
 - If less than six months remain before the inmate's anticipated release date, an application may be made within 90 days of the anticipated release date when the inmate has remained disciplinary free for a minimum of two months.
- Division F offenses.
 - One hundred percent following disciplinary free period of three months.
 - If less than three months remain before the inmate's anticipated release date, an application may be made within 60 days of the anticipated release date if the inmate has remained disciplinary free for a minimum of one month.

Disciplinary Defined

Disciplinary free, as defined in this section means no guilty finding for a CDC Form 115, Rule Violation Report, classified as either administrative or serious during the required disciplinary free period.

Additional Applications

If less than one hundred percent of the restorable, forfeited credits are restored by the committee, the inmate may make additional applications for restoration upon the completion of additional disciplinary free periods.

53130.12.4 Factors in Aggravation

A finding of substantial factors in aggravation by a classification committee during a restoration hearing shall be cause to postpone credit restoration consideration for one additional disciplinary free period.

Factors in aggravation may regard the specifics involved in the commission of the violation or the prior behavioral pattern of the perpetrator as follows:

Factors Relating to the Act

- The act involved great violence, great bodily harm, a threat to do great bodily harm or other acts showing a high degree of cruelty, viciousness or callousness.
- The perpetrator was armed with or used a weapon at the time of the act.
- The victim was particularly vulnerable.
- The act involved multiple victims.
- The perpetrator induced others to participate in the act or occupied a position of leadership/dominance over the other participants.
- The perpetrator threatened witnesses, prevented or dissuaded witnesses from testifying, induced others to perjure themselves, or in any way interfered with the investigation of the act.
- The perpetrator committed other acts which could have resulted in the loss of additional credits.
- The plan, sophistication or professionalism with which the act was carried out, or other facts, indicated premeditation.
- The perpetrator used or involved non-prisoners in the act.
- The act involved an actual, or attempted, taking of a hostage.
- The act resulted in the damage to property of great monetary value.
- The act involved a large quantity of contraband.
- The perpetrator took advantage of a position of trust or confidence.

Factors Relating to the Perpetrator

- Inmate has a pattern of violent conduct.
- Inmate's prior record indicates numerous acts or increasing seriousness of behavior.

53130.13 Credits for Interstate Transfer Inmates

The Western Interstate Corrections Compact and the Interstate Corrections Compact Agreements enable the Department to transfer and exchange prisoners with other states.

Inmates who agree to their placement in another state or federal institution or who are serving a concurrent term in another jurisdiction, shall be eligible to earn work credits as authorized under provisions of PC § 2933.

The inmate's work/program participation must be verified on a regular basis by a delegated official of the Host State or federal institution and reported to the Interstate Compact Unit.

- Reports must be submitted every six months.
- Work/participation hours must be comparable to California institution hours.

53130.14 Revisions

The Director, Division of Adult Institutions, or designee shall ensure that the contents of this section are accurate and current.

53130.15 References

PC §§ 2080, 2600, 2601, 2700, 2701, 2930 - 2934, 3057, 5005, 5045, 5050, 5055, and 5058.

GC § 12838 et seq.

W&I § 3051.

CCR (15) §§: 3040 - 3045.1, 3310 - 3329, 3375 - 3379.

ACA Standards 2-4115 - 2-4126, 2-4323 - 2-4495.